

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

LOLA SILAS,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:09CV142-P-S

STEVEN P. SKELTON,

DEFENDANT.

ORDER

This matter comes before the court upon the plaintiff's motion to remand [5] her case to the County Court of Bolivar County, Mississippi from whence it came. After due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

There are two primary situations in which a federal court, rather than a State court, has jurisdiction to hear a case: (1) federal question jurisdiction; and (2) federal diversity jurisdiction. Only the second type is at issue here. Title 28 U.S.C. § 1332 states in pertinent part that: "The [federal] district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between ... citizens of different States."

In her Complaint, Ms. Silas seeks approximately \$103,432.00 in damages. Thus, the amount in controversy requirement is met. Her Complaint also states that she is a resident of Illinois and that the defendant is a resident of Mississippi. Therefore, diversity of state citizenship exists. For purposes of federal diversity jurisdiction, the fact that the plaintiff's property is located in Mississippi is not taken into account, but rather the state in which Ms. Silas lives. For these reasons, the defendant had the legal right to remove the plaintiff's case from State court into federal court because the federal court has federal diversity jurisdiction. Thus, the plaintiff's motion to remand

should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The plaintiff's motion to remand [5] is **DENIED**; and

(2) The parties should contact U.S. Magistrate Judge David A. Sanders to obtain a Scheduling Order within ten business days of this Order.

SO ORDERED this the 17th day of September, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE